DOCUMENT RESUME

ED 245 494 EC 162 854

AUTHOR Mann, James W.; And Others
TITLE Support of the Handicapped Child: Federal Governmental Resources for a More Secure Future.
PUB DATE 27 Apr 84
NOTE 14p.; Paper presented at the Annual Convention of the Council for Exceptional Children (62nd, Washington, DC, April 23-27, 1984).
PUB TYPE Speeches/Conference Papers (150) -- Reports - Descriptive (141)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Children; *Disabilities; *Federal Programs; *Financial Support; *Medical Services; National Programs; Program Descriptions; *Social Services

ABSTRACT

The paper summarizes major national federal programs paying benefits to handicapped children. Programs addressed include Supplemental Security Income, Medicaid, Medicare, Social Security, Maternal and Child Health Services, Crippled Children's Services, Developmental Disabilities Services, vocational rehabilitation, and housing and transportation. Each area of services is considered in terms of eligibility, benefits, and limitations where applicable. (SW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.
Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

ED245494

SUPPORT OF THE HANDICAPPED CHILD: FEDERAL GOVERNMENTAL RESOURCES FOR A MORE SECURE FUTURE

by

James W. Mann, Don L. Frugé, and J. Larry Tyler

Convention of the
Council for Exceptional Children

Washington, D.C.

April 27, 1984

EC162854

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
James W Mann
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Support of the Handicapped Child: Federal Benefits for a More Secure Future

by

James W. Mann, Don L. Frugé, and J. Larry Tyler*

This paper deals with those federal governmental programs that pay benefits to handicapped children. Only the government programs to which the handicapped child is entitled because of a disability will be discussed.

Families who receive or expect to obtain governmental benefits for their handicapped child must keep the eligibility criteria in mind. Most government benefit programs have eligibility criteria and the families' major concern with these programs is the asset and income limitations to qualify for such assistance.

One important point to make is that when the handicapped adolescent becomes 18 years of age or older, only the income and resources of the adult handicapped person are taken into account, not the family's resources or income. Therefore, when the adolescent becomes 18 years of age or older, families that need governmental benefits should probably avoid giving directly to the handicapped persons.

This paper will give a concise summary of the major national programs, including disability and Social Security, medical benefits, social service programs, education, vocational rehabilitation, housing, and transportation. Where possible, an effort is made to summarize these programs without the technical and legal jargon that was used in writing these programs.

---

*Dr. Mann is the Director of the Research and Training Center for the Handicapped and Professor of Special Education at the University of Mississippi.

Dr. Frugé is Professor of Law at the University of Mississippi Law Center and Editor of the Mississippi Will and Trust Manual.

Dr. Tyler is Coordinator of Research and Dissemination, University Affiliated Program, and Associate Professor of Special Education, University of Mississippi.

Supplemental Security Income for Handicapped Persons (SSI)

Supplemental Security Income is paid to persons who are 65 years of age or older, or needy people of any age who are blind or disabled. The federal government administers this program through the Social Security Administration, which makes payments to recipients, determines eligibility, and maintains recipients' records. The state's Disability Determination Services, an arm of the Social Security Administration, determines the question of a claimant's disability.

SSI payments are made to any needy person who is disabled. For SSI purposes, a person is disabled if he is unable to engage in substantial gainful activity because of a physical or mental impairment that can be expected to last for 12 months or longer.

A retarded child under age 18 is considered disabled if his IQ is less than 60; or if his IQ is 60 to 69, he is dependent upon others for basic personal needs and he has a physical or other mental impairment that restricts functions and development; or if achievement of developmental milestones is no greater than that generally expected of a child half the applicant's age. A retarded adult is considered disabled if his IQ is less than 50; or, if his IQ is 50 to 69, he has an inability to perform routine repetitive tasks, and he has a physical or other mental impairment resulting in restriction of function; or, he has a severe mental or social incapacity that creates a marked dependence on others for meeting personal needs, characterized by an inability to understand the spoken word, an inability to avoid danger or follow simple directions, and an inability to read, write, and perform simple directions.

Limitations on Income and Resources

Since the purpose of the SSI program is to supplement disabled persons whose income and resources are below current living standards, eligibility for SSI payment levels are based on the income (earned or unearned) and resources of the SSI applicant or recipient.

Handicapped persons can have some income coming and still be eligible for SSI providing all other eligibility conditions have been met. Not all income is counted in computing SSI benefit payments. Certain income is disregarded, leaving higher amounts of disposable income for SSI recipients having an earned or unearned income. For example, a home cannot be counted; however, savings and checking accounts, and valuables, such as stocks and bonds, do count as assets.

Restrictions are placed on the amount of income that a SSI recipient can earn. General income exclusions are $20.00 a month of any income (earned or unearned) and $65.00 a month of earned income plus half of any excess earned income over $65.00 per month. The SSI payment is reduced $1.00 for each $2.00 in earnings over $65.00 a month.

If the person meets the eligibility criteria of a "child," a portion of the income and resources of the parents with whom he/she lives may be considered as belonging to him/her. Allowances are made for work and living expenses and other children living at home. However, it is important to note that for children 18 years of age or older, SSI counts only the child's income, even if he or she is still a dependent.

Benefits

The amount of benefits payable under SSI depends on the recipient's marital status, his income, and his assets. These amounts also fluctuate each year with the cost of living.

Institutionalized Persons

People living in a public institution generally are not eligible for SSI payments. However, people who live in publicly operated community residences serving no more than 16 people may be eligible. Also, if their state's Medicaid program pays more than half the cost of a person's care in an institution, he/she may be eligible for a payment up to $25.00 a month. This payment is for the patient's personal use and cannot be used by the institution for patient care.

People living in a private institution may be eligible for SSI payments, depending upon who is paying for the care, which will determine the payment amount.

When a retarded person living in an institution has progressed to the point that he/she could live outside the institution if a continuing source of income is available, SSI payments may help to provide a solution. Either the institution or responsible parties should contact their local Social Security office in advance so an application for SSI payments can be processed before the retarded person leaves the institution.

Applying for SSI Benefits

When an applicant's parent, guardian, or any responsible individual visits the local Social Security office to apply for SSI benefits for a handicapped individual, one should take with him the applicant's Social Security number if available, their birth certificate for proof of age, medical records, asset and income information, and information pertaining to the person's disability, information about the person's income and assets, and information about the handicapped person's living arrangements.

Medicaid

Medicaid provides health care services to persons with low income. It is a public assistance program based on financial need. Eligibility for Medicaid depends on the income and resources of the disabled person. Although eligibility requirements for Medicaid vary somewhat from state to state, a disabled person may be eligible if he or she receives Supplementary Security Income (SSI), is on welfare, is blind or disabled, or has medical bills that exceed a certain percentage of annual income. In the case of a child under the age of 18, he or she is eligible if the child suffers from any medically determinable physical or mental impairment.

Benefits

Medicaid pays for medical and health related expenses, including certain hospital care and skilled or intermediate care for the mentally retarded, such as care in retardation centers and nursing homes. Among other benefits provided are the costs of a limited number of physician visits and drug prescriptions, physician's services such as surgery, and some dental treatment. If ordered by the recipient's doctor, home health care, medically necessary durable equipment and supplies furnished by a home health agency, and laboratory work also may fall within Medicaid's coverage.

A person eligible for Medicaid while residing in his own home, who later needs nursing home care such as that provided by a retardation center, is automatically eligible for Medicaid payments for the cost of care in such institutions.

Once a person has qualified for Medicaid benefits, he may continue to receive payments indefinitely. However, these payments will last only so long as he satisfies all eligibility requirements and his income does not exceed the limit set by Medicaid.

The Medicaid program cannot reimburse the Medicaid recipient. Reimbursements are made only to the provider of the services and only if that person or institution is willing to file for payment with the Medicaid program.

To obtain further information about applying for Medicaid, or to get information about eligibility requirements, contact your local Medicaid office, usually through your state's Department of Public Welfare.

Medicare--Health Insurance for the Disabled

Medicare is a federal health insurance program enacted to pay for the high cost of health care for people 65 years of age or older, and for severely disabled people under 65 years of age. Eligibility for Medicare is not based on financial need. Medicare has two programs--hospital insurance and medical insurance. The hospital insurance portion of Medicare pays for costs of inpatient hospital care and for certain follow-up care. The medical insurance portion pays for costs of doctor's services, out-patient hospital services, and other medical expenses and services not covered under hospital insurance. Among the eligible are disabled people under 65, widows, widowers age 50 to 64, and children under age 18 who were disabled before 22 and who have been entitled to Social Security disability benefits for two years.

Benefits

Medicare hospital insurance pays for medically necessary care at a participating facility. This care includes inpatient care at a hospital, nursing or rehabilitation care at a skilled nursing facility or specially qualified facility, and home health care provided by a home health agency. Medicare hospital insurance also covers other services such as the costs of a semi-private room and meals, regular nursing services, special care units such as intensive care units, drugs, supplies, equipment, any services ordinarily

furnished to inpatients of hospital or skilled nursing facilities, and certain services provided by a home health agency.

Types of medical insurance benefits provided include physician and surgeon services, home health services, out-patient health services, and certain other medical services, such as diagnostic tests, limited ambulance services, prosthetic devices, physical therapy and speech pathology services, and hospital and other durable medical equipment used at home.

Generally, recipients do have to pay a small portion of the hospital bill. However, Medicare will cover only 80 percent of the costs of medical insurance benefits.

Social Security for a Disabled Child or Adult

Social Security provides monthly benefits for a qualified worker and/or his dependents upon the retirement, disability, or death of the worker. Normally, benefits received by a child under this program will be terminated when the child reaches eighteen years of age. However, benefits may continue indefinitely if the child is disabled, but the fact that the child is in special education does not insure that he will be considered disabled for Social Security purposes. Under Social Security, he is considered disabled only if he has a physical or mental condition that prevents him from engaging in substantial gainful employment and that may be expected to last at least one year. The disabled person need not have worked under Social Security because benefits are paid on the father's or mother's Social Security work record.

When processing an application for a disabled adult, the Social Security office will ask for medical evidence that the disability is severe, that it began before the age of 22, and that it will continue into the future. They will also contact the state Vocational Rehabilitation agency, who will review

the applicant's eligibility for vocational rehabilitation services--that is, can the applicant be reasonably expected to engage in remunerative employment after rehabilitation. If the rehabilitation services are offered and refused, the Social Security office can deny benefits.

Maternal and Child Health and Crippled Children's Services

Under Title V of the Social Security Act, the states are granted money by the federal government to provide Maternal and Child Health Services and Crippled Children's Services. Both of these programs provide medical services to the developmentally disabled. The goals of both of these programs are to prevent conditions that might cause disabilities and to treat existing disabilities.

For purposes of these and other federal programs, the definition of a developmental disability is any severe, chronic disability that:

1. Is attributable to a mental or physical impairment or impairments;
2. Manifests itself prior to age 22;
3. Will likely continue indefinitely;
4. Results in substantial functional limitations in three or more of the seven major life activities: (a) self-care, (b) receptive and expressive language, (c) learning, (d) mobility, (e) self-direction, (f) capacity for independent living, and (g) economic sufficiency; and
5. Reflects the individual's need for a combination and sequence of special services that are either of extended or life-long duration and that are individually planned and coordinated.

Each state develops its own services for the Maternal and Child Health Services Program following federal rules and regulations. To find out about your state's Maternal and Child Health Services, contact your city, county, or state health department.

Crippled Children's Services provide medical treatment to developmentally disabled children. Diagnostic services are provided free to all developmentally

disabled children. To apply for the services, contact the state Crippled Children's agency, your local health department, or a local public health nurse.

Developmental Disabilities Services

The Developmental Disabilities Assistance and Bill of Rights Act provides financial support to states to help developmentally disabled individuals. The intent of the Act is to "assure that persons with developmental disabilities receive the care, treatment and other services necessary to enable them to achieve their maximum potential . . . ."

Federal funds are granted to states to provide for the developmentally disabled. The states must meet federal standards with regard to treatment, services, and rehabilitation programming for the developmentally disabled. One of these federal standards requires that the state establish an individual habilitation plan for each developmentally disabled person receiving services.

This Act also establishes a system of protection and advocacy on behalf of developmentally disabled persons for each state. This protection and advocacy agency is usually separated from state bureaucracies in an attempt to provide truly independent, impartial aid. It is felt that this arrangement is superior because of incompatible conflict of interest that often arises between advocacy/protection and social service delivery. Such an advocacy/protection agency should be administratively and financially separate from any service delivery agency and have the status of a private non-profit organization.

To obtain more information about the developmental disabilities services in your state, contact the State Department of Mental Health and Developmental Disabilities.

Vocational Rehabilitation

The federal government provides extensive financial support to the states for vocational rehabilitation. Vocational rehabilitation programs provided by the states help handicapped persons prepare for and find work by providing a wide range of services, financial assistance, and training. Employment ranges from regular jobs to sheltered workshops and home-making. The definition of "handicapped individual" used to determine eligibility for vocational rehabilitation is:

> any individual who (a) has a physical or mental disability which for such person constitutes or results in a substantial handicap for employment and (b) can reasonably be expected to benefit in terms of employability from vocational rehabilitation.

Rehabilitation agencies are now mandated by Congress to serve first the most severely disabled. In addition, the Comprehensive Rehabilitation Services and Developmental Disabilities Amendments of 1978 also include a new program for comprehensive independent living services. This new provision was designed to meet the needs of individuals so severely disabled that they did not have the potential for employment, but who would benefit from services designed to assist them to live more independently.

Every state has a vocational rehabilitation agency that serves citizens with various handicapping conditions. Approximately half of the states have an additional vocational rehabilitation agency for the blind.

Housing and Transportation

Low-income families that support a handicapped child might qualify for rental assistance payments from the U.S. Department of Housing and Urban Development. Families with a handicapped member may qualify for a Title I Home Improvement Loan to remove architectural barriers in the home.

The Federal Aviation Administration requires each U.S. airline to submit a national company policy for their approval on accessibility and individual services to handicapped individuals. For additional information, write for the publication entitled "Access Travel: A Guide to Accessibility of Airport Terminals."

Amtrak, a federally subsidized rail system, soon will have at least one car fitted with special features and plan to make all facilities accessible. For further information, write for a copy of "Access, Amtrak for Handicapped Travellers."

Resource Guide for Further Reading

Social Security Handbook. Superintendent of Documents, Washington, D.C. 20201. Refer to DHEW Publication No. (SSA) 73-10135.

Medicaid Information Booklet. Medical Services Administration, U.S. Department of Health, Education and Welfare, Washington, D.C.

Medicare. Health Care Financing Administration, Inquiries Branch, Rm. 1-N-A, East Lowrise Building, Baltimore, Maryland 21235.

How to Provide for Their Future. National Association for Retarded Citizens, Post Office Box 6109, 2709 Avenue E East, Arlington, Texas 76011.

Supplemental Security Income for Retarded People. Available from local or regional office of Department of Health, Education, and Welfare, or from Superintendent of Documents, Washington, D.C. 20201. Refer to DHEW Publication No. (SSA) 76-11050.

For the Disabled . . . A Pocket Guide to Federal Help. Office for Handicapped Individuals, Department of Health, Education, and Welfare, Room 338D, Humphrey Building, Washington, D.C. 20201.

SSI Advocates Handbook. Center on Social Welfare Policy and Law, 95 Madison Avenue, New York, New York 10016.

Information Bulletin. U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

Access Travel: A Guide to Accessibility of Airport Terminals. Architectural and Transportation Barriers Compliance Board, Washington, D.C. 20202.

Access, Amtrak for Handicapped Travellers. Amtrak Public Affairs, 400 North Capital St., N.W., Washington, D.C. 20202.